

CHAPTER NO. 925

SENATE BILL NO. 3861

By Harper, Burks

Substituted for: House Bill No. 3967

By Ulysses Jones, Hood

AN ACT to amend Tennessee Code Annotated, Title 7, Chapter 86, Part 1, relative to authorizing application of the emergency telephone service charge to non-wireline services that connect callers to public safety answering points.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 7-86-102(b)(3), is amended by deleting the subdivision in its entirety, and by substituting instead the following new language:

(3) The general assembly further finds that rapid technological advancements have provided the public with non-wireline services, including, but not limited to, commercial mobile radio service (CMRS) and IP-enabled service, which are capable of connecting users dialing or entering the digits 911 to public safety answering points. The general assembly also finds that in various rules and orders, the Federal Communications Commission (FCC) has mandated wireless enhanced 911 service for all CMRS users and subscribers. The FCC also has addressed enhanced 911 service requirements for IP-enabled service. The general assembly recognizes that all subscribers and users of non-wireline services, including CMRS and IP-enabled service which are capable of connecting users dialing or entering the digits 911 to public safety answering points, should share in the benefits of 911 service and should participate in the funding of the service.

SECTION 2. Tennessee Code Annotated, Section 7-86-103, is amended by adding the following language as a new subdivision (9), and by redesignating the subsequent subdivisions accordingly:

(9) "IP-enabled services" means services and applications making use of Internet Protocol ("IP") including, but not limited to, voice over IP and other services and applications provided through wireline, cable, wireless, and satellite facilities and any other facility that may be provided in the future through platforms that may not be deployable at present which are capable of connecting users dialing or entering the digits 911 to public safety answering points;

SECTION 3. Tennessee Code Annotated, Section 7-86-103, is further amended by adding the following language as a new subdivision (11), and by redesignating the subsequent subdivisions accordingly:

(11) "Non-wireline service" means any service provided by any person, corporation or entity, other than a service supplier as defined in this part, that connects a user dialing or entering the digits 911 to a public safety answering point including, but not limited to, commercial mobile radio service and IP-enabled services;

SECTION 4. Tennessee Code Annotated, Section 7-86-103, is further amended by deleting the last subdivision, currently designated (16) in its entirety, and by substituting instead the following appropriately designated subdivision:

(18) "Wireless enhanced 911 service" means service with location and number identification technology whereby users of non-wireline service, as that term is defined in this part, may contact a public safety answering point by entering or dialing the digits 911; such service includes, but is not limited to, wireless enhanced 911 service as set forth in the Federal Communications Commission order.

SECTION 5. Tennessee Code Annotated, Section 7-86-108(a)(1)(B), is amended by adding a new subdivision (vi), as follows:

(vi) Effective July 1, 2006, the provisions of this subdivision (a)(1)(B) shall apply to all subscribers and users of non-wireline service to the extent such application is not inconsistent with the orders, rules and regulations of the Federal Communications Commission.

SECTION 6. Tennessee Code Annotated, Title 7, Chapter 86, is amended by adding the following as a new, appropriately designated section thereto:

7-86-____.

(a) If a provider of an IP-enabled service offers 911 or E-911 services and such provider complies with Federal Communication Commission Order #05-116, adopted May 19, 2005, that provider, its officers, directors, employees, vendors, and agents, shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability that any incumbent local exchange carrier in such provider's service area, and its officers, directors, employees, vendors, or agents, have under applicable law (whether through statute, judicial decision, tariffs filed by such local exchange company, or otherwise), including in connection with an act or omission involving the release of subscriber information related to the emergency calls or emergency services to a public safety answering point, emergency medical service provider, or emergency dispatch provider, public safety, fire service, or law enforcement official, or hospital emergency or trauma care facility.

(b) A person using an IP-enabled service that offers 911 or E-911 services pursuant to this section shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law in similar circumstances of a person using 911 or E-911 service that is not provided through an IP-enabled voice service.

(c) In matters related to IP-enabled 911 and E-911 communications, a PSAP, and its employees, vendors, agents, and authorizing government entity (if any) shall have immunity or other protection from liability of a scope and extent that is not less than the scope and extent of immunity or other protection from liability under applicable law accorded to such PSAP, employees, vendors, agents, and authorizing government entity, respective, in matters related to 911 or E-911 communications that are not provided via an IP-enabled service.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: May 27, 2006


JOHN S. WILDER
SPEAKER OF THE SENATE


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES

APPROVED this 20th day of June 2006


PHIL BREDESEN, GOVERNOR